

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CARUSO MANAGEMENT
COMPANY LTD.,

Plaintiff,

vs.

1:18-CV-11932 (VM)

INTERNATIONAL COUNCIL OF
SHOPPING CENTERS,

Defendant.

STIPULATION AND [PROPOSED] SCHEDULING ORDER

WHEREAS, Plaintiff Caruso Management Company Ltd. (“Caruso” or “Plaintiff”) filed its complaint in this action (the “Complaint”) on December 18, 2018 (Dkt. 1), and filed its amended complaint (the “Amended Complaint”) on January 15, 2019 (Dkt. 20);

WHEREAS, on December 21, 2018, Plaintiff filed an application for an Order to Show Cause Seeking Expedited Discovery, Briefing Schedule and Hearing For Preliminary Relief (the “Order to Show Cause”), as well as a motion seeking a preliminary injunction (Dkt. 5);

WHEREAS, following briefing on the Order to Show Cause (Dkts. 6, 14, 15), the Court granted Plaintiff’s request for expedited discovery at a hearing on January 11, 2019;

WHEREAS, at the hearing on January 11, 2019, the Court directed the parties to confer and submit a schedule agreed upon for the minimal discovery plaintiffs may need in order to prepare for a hearing on the merits as soon as possible (1/11 19 Hearing Tr. at 22);

WHEREAS, on December 21, 2018, Plaintiff served a document request (“Plaintiff’s Document Request”) and deposition notices on Defendant International Council of Shopping Centers (“ICSC” or “Defendant”), and served a subpoena *duces tecum* and *ad testificandum* on third-party Wynn Resorts, Limited (“Wynn”) (Dkt. 5, Exhibits A and B); and

WHEREAS, Defendant served its document requests, interrogatories, and notice of 30(b)(6) deposition on January 21, 2019.

WHEREAS, the parties have met and conferred, and have agreed on a discovery schedule;

IT IS HEREBY STIPULATED AND AGREED, by the parties hereto, through their undersigned counsel, as follows:

1. Each of the parties shall serve responses and objections to the other party’s document requests on or before Friday, January 25, 2019, along with a list of those persons they may potentially call as witnesses at the hearing on the merits.
2. Each of the Parties shall serve initial disclosures on or before Friday, January 25, 2019.
3. The parties shall complete their document productions on or before Friday, February 8 2019.
4. The parties shall exchange privilege logs on or before February 8, 2019.

5. The parties shall make their Rule 30(b)(6) witnesses available for deposition by February 22, 2019.
6. All other depositions shall be completed by March 1, 2019. In taking depositions in addition to Rule 30(b)(6) depositions, the parties will seek to minimize the time required and avoid duplicative questioning. If a Rule 30(b)(6) witness has also been noticed for deposition in their personal capacity, that witness shall appear for a single deposition encompassing both his or her Rule 30(b)(6) testimony and his or her personal testimony. Nothing herein is entitled to limit the hours of testimony of any witness permitted under the Federal Rules of Civil Procedure.
7. Caruso shall coordinate with the Wynn to schedule Wynn's Rule 30(b)(6) deposition at a date mutually convenient to the parties, but in any event no later than March 1, 2019.
8. Unless otherwise agreed to by the parties, witnesses shall be deposed in the location where they reside and/or work.
9. Plaintiff shall serve its expert report(s) by March 7, 2019 and make its expert(s) available for depositions between five and ten days thereafter. Defendant shall serve its expert report(s) by March 18, 2019 and make its expert(s) available for deposition between five and ten days thereafter. Nothing herein shall limit the ability of either side's expert to respond to the other side's expert report.
10. Nothing herein shall limit or prejudice the rights of a party to serve or object to discovery requests under the Federal Rules of Civil Procedures, the Local Rules of the Southern District Court, and the Court's Individual Practices, including initial disclosures, interrogatories and requests for admission.
11. The Court will hold a hearing on the merits of Plaintiff's Complaint on April 12. The parties request a date between April 8 and April 12. The parties shall file their respective pre-hearing memoranda one week prior to the hearing date.
12. The parties shall also exchange witness lists and hearing exhibits one week prior to the hearing date, and shall provide a copy of such materials to the Court on that date.
13. Any witness listed on a party's witness list who was not previously deposed may be deposed prior to the hearing date.
14. The deadlines set forth herein may be revised by agreement of the parties without leave of the Court, except for the deadlines set forth in paragraphs 12 and 13 above, which may only be revised by leave of the Court.

DATED: New York, New York
January 23, 2019

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*Attorneys for Defendant International
Council of Shopping Centers*

IT IS SO ORDERED, this _____ day of _____, 2019.

Hon. Victor Marrero, U.S.D.J., S.D.N.Y.